

### REMARKS

Claims 34, 37, 38, and 40-44 are pending in this application and have been allowed according to the Notice of Allowance mailed September 13, 2006.

Applicant is filing herewith a Petition for confirmation of non-entry of the Terminal Disclaimer filed July 27, 2002 or, alternatively, to withdraw the Terminal Disclaimer of July 27, 1992.

In this regard, Applicant submitted, in a Response filed July 27, 1992, a traversal in response to a double patenting rejection of claims 18-33 over U.S. Patent No. 5,026,798 ("the '798 patent), which was **the only rejection made** in an April 27, 1992, Office Action. In the traversal to the double patenting rejection, Applicant explained why the subject matter of the '798 patent was patentably distinct from the subject matter of this application. Additionally, "for purposes of expediting prosecution, Applicant [submitted] a terminal disclaimer over the '798 patent...[and should] the Examiner favorably consider applicant's [remarks], applicant [requested] that the submitted disclaimer not be entered" (see Applicant's July 27, 1992, Response).

Applicant can find no acknowledgment whether Applicant's remarks in the July 27, 1992, Response were or were not favorably considered, and whether the submitted disclaimer was or was not considered necessary by the Examiner to overcome the rejection.

Applicant requests confirmation that Applicant's remarks in the July 27, 1992, Response were favorably considered, and that the submitted disclaimer was not required.

While the face of the file seems to indicate that the terminal disclaimer was recorded by the clerical staff, in view of the unexpectedly long delay in Applicant's obtaining a patent for the invention, in conjunction with the

reasons discussed below, Applicant would greatly appreciate it if the Examiner would acknowledge that the allowed claims in the present application would not be subject to a double patenting rejection over the claims of U.S. Patent No. 5,026,798. Furthermore, the Examiner is urged to indicate on the record that the present claims would be allowable even absent the Terminal Disclaimer proffered on July 27, 1992.

Applicant believes that the Examiner's acknowledgement of the allowability of the present claims over the claims of U.S. Patent No. 5,026,798 would help expedite granting of the Petition.

In particular, the current claims in this application are directed to a process to polymerize alpha olefins utilizing an unbridged Mono-Cp Catalyst. [Claims 18-33 at the time of the double patenting rejection in this application were directed to a process to polymerize olefins using a bridged or unbridged Mono-Cp catalyst.]

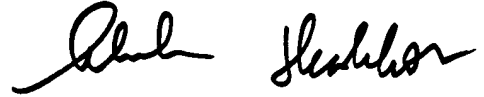
Claims 18-33 were rejected under obvious-type double patenting over claims 1-13 of the '798 patent. Claims 1-13 of the '798 patent are directed to a process to produce crystalline poly-alpha-olefins by contacting monomers with a bridged Mono-Cp catalyst.

Applicant respectfully submits that there is clearly patentably distinct difference between the bridged and unbridged compounds.

In view of the fact that the provisional submission of the Terminal Disclaimer as suggested by the Examiner in the April 27, 1992, Office Action appeared to place the application in condition for allowance, Applicant fully expected that, if Applicant's above-discussed remarks in the July 27 1992 Response, were not favorably considered, submission of the Terminal Disclaimer would expedite prosecution and Applicant had no reasonable expectation that over fourteen years later a patent would still not yet be finally granted, and would therefore only be limited to a few years of patent term (since no patent term adjustment applies because of the filing date being prior to June 8, 1995).

Should the Examiner have any questions regarding this matter, Applicant requests that the Examiner telephone the undersigned to discuss any such issues.

Respectfully submitted,



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